

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STEVEN LOPEZ,

Plaintiff,

v.

No. 24-cv-0653 SMD/KRS

ALISHA TAFOYA, *et al.*,

Defendants.

ORDER OF DISMISSAL

This matter is before the Court following Plaintiff Steven Lopez' failure to prosecute his *pro se* Prisoner Civil Rights Complaint (Doc. 2) (Complaint). Plaintiff is proceeding *pro se* and was incarcerated when he initiated this case. His Complaint was accompanied by a Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915, but he did not submit a six-month inmate account statement. *See* (Doc. 3). The account statement is required by statute in all cases where, as here, an inmate files a complaint without prepaying the filing fee. *See* 28 U.S.C. § 1915(a)(2). By an Order dated January 17, 2025, the Court directed Plaintiff to file the statement within thirty days. *See* (Doc. 5). Plaintiff was warned that the failure to timely comply may result in dismissal of this case without further notice.

The deadline to submit an account statement was February 18, 2025. Plaintiff did not comply, show cause for such failure, or otherwise respond to the Order, which was returned as undeliverable. *See* Doc. 7. Plaintiff has also not provided an updated address as required by D.N.M. Local Civil Rule 83.6. For these reasons, the Court will dismiss the Complaint without prejudice pursuant to Fed. R. Civ. P. 41(b) for "failure to prosecute or comply with the rules of

civil procedure or court's orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003); *see also Salazar v. Arapahoe Cty. Det. Facility*, 787 Fed. App'x 542, 543 (10th Cir. 2019) (affirming dismissal order where plaintiff failed to "address[] the inmate account statement or explain[] his failure to comply with the ordered deadline"). The Court will also deny Plaintiff's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (Doc. 3), which is now moot.

IT IS THEREFORE ORDERED that Plaintiff Steven Lopez' Prisoner Civil Rights Complaint (Doc. 2) is DISMISSED without prejudice; his Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (Doc. 3) is DENIED as moot; and the Court will enter a separate judgment closing this civil case.

SO ORDERED.



UNITED STATES DISTRICT JUDGE